

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CARL A. FITZGERALD,)	
)	4:10CV00017
Claimant,)	
)	
v.)	ORDER
)	
MICHAEL ASTRUE,)	
Commissioner of Social Security,)	By: Jackson L. Kiser
)	Senior United States District Judge
Defendant.)	

Before me is the Report and Recommendation of the Magistrate Judge regarding the cross Motions for Summary Judgment filed by the Commissioner of Social Security and the Claimant, Carl Fitzgerald. Rep. and Recommendation, Mar. 18, 2011, ECF No. 19; Claimant's Mot. for Summ. J., Jan. 4, 2011, ECF No. 14; Def.'s Mot. for Summ. J., Feb. 2, 2011, ECF No. 16. The Magistrate Judge rendered his Report and Recommendation on March 18th, 2011. The Claimant timely objected and the Commissioner has responded to that Objection. Objection, Apr. 1, 2011, ECF No. 20; Resp. to Objection, Apr. 6, 2011, ECF No. 21. For the reasons explained in the accompanying Memorandum Opinion, the Court **OVERRULES** the Claimant's Objection, **ADOPTS** the Magistrate Judge's Report and Recommendation, **GRANTS** the Commissioner's Motion for Summary Judgment, **AFFIRMS** the Commissioner's final decision, and **DISMISSES** this case from the docket.

ENTERED this 18th day of May, 2011.

s/Jackson L. Kiser
Senior United States District Judge